

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

KEMOKALAM NJEMANZE,

Defendant.

18 Cr. 117-7 (KPF)
20 Civ. 5359 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Kemokalam Njemanze filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, claiming ineffective assistance of counsel in connection with his guilty plea and sentencing. (*See* Dkt. #240 (motion), 243 (amended motion)).¹ As relief, Mr. Njemanze sought resentencing to a lower term of imprisonment than the 18 months the Court had originally imposed. (Dkt. #243 at 9 (“My sentence should be vacated, and I should be sentenced anew. The new sentence should reflect an appropriate reduction to compensate for this ineffective representation.”)). The Government opposed Mr. Njemanze’s motion (Dkt. #254), and Mr. Njemanze thereafter sought leave to file a reply brief (Dkt. #274). The Court granted Mr. Njemanze’s request for a reply brief (Dkt. #275), but its endorsement granting that request was returned with an indication that Mr. Njemanze had been released from custody (Minute Entry of July 8, 2021). Further investigation by the Court disclosed that Mr. Njemanze has completed his term of imprisonment, and is now on supervised release.

¹ Because the docket for Mr. Njemanze’s criminal case is more complete than that of his Section 2255 motion, the Court’s citations in this Order are to the criminal docket.

Given the nature of Mr. Njemanze's requested relief, the Court believes that his motion has been mooted by his release from custody. However, the Court wishes to hear from Mr. Njemanze before making such a determination. Accordingly, Mr. Njemanze is ORDERED TO SHOW CAUSE, in writing on or before **February 1, 2022**, why his Section 2255 motion should not be dismissed as moot because of his release from custody. If the Court does not hear from Mr. Njemanze, it will understand that he has abandoned his motion and will proceed accordingly.

The Clerk of Court is directed to file this Order in both cases listed in the caption. The Clerk of Court is further directed to mail a copy of this Order to Mr. Njemanze at the following address and to update the docket in both cases to reflect this address: Kemokalam Njemanze 2517 Lusitano Lane, Celina, Texas 75009.

SO ORDERED.

Dated: January 12, 2022
New York, New York



KATHERINE POLK FAILLA
United States District Judge